

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Bureau of Labor and Industries  
Agency and Division

839  
Administrative Rules Chapter Number

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Amendments to Division 839-003 reflecting commissioner complaint process and conforming civil action terms to statutes  
Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

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In the Matter of:

Amendments to Rules Division 839-003 reflecting commissioner complaint process and conforming civil action terms to statutes

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Statutory Authority: ORS 659A.805

Other Authority:

Stats. Implemented: ORS chapter 659A, ORS 654.062

Need for the Rule(s):

Currently OARs 839-003-0005, 839-003-0031, 839-003-0090, 839-003-0100 and 839-003-0245 include the term "complainant" but not the term "aggrieved person." Proposed amendments to these rules would add "aggrieved person" to clarify that the Commissioner or the Attorney General, acting as the complainant, may bring complaints on behalf of aggrieved persons.

Currently OARs 839-003-0020 and 839-003-0235 use the term "civil suit" rather than "civil action" as used in the enabling statutes. Proposed amendments would conform the terminology of these rules with the statutes.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact:

No fiscal or economic impact is anticipated as a result of the proposed amendments.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):  
No fiscal or economic impact is anticipated from the proposed rule amendments.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Oregon discrimination laws apply to all businesses. The Employment Department estimates that 107,103 small businesses may be subject to the proposed rule amendments. However, there is no cost of compliance anticipated.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No new reporting, recordkeeping, or other administrative costs of compliance are required or anticipated because the proposed changes clarify provisions of existing law.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor, or increased administration are required or anticipated under the proposed rules.

How were small businesses involved in the development of this rule?

Small business representatives are represented on BOLI's stakeholder mailing list.

Administrative Rule Advisory Committee consulted?:

No.

If not, why?:

The proposed rule amendments would clarify the provisions already in rule and statute.

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10/15/2013

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Signature

Printed name

Date

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